



S/N 09/416,252

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David R. Tushie et al. Examiner: Mary Wang  
Serial No.: 09/416,252 Group Art Unit: 2171  
Filed: October 12, 1999 Docket: 457.003US3  
Title: SYSTEM AND APPARATUS FOR SMART CARD PERSONALIZATION

**SUBSTITUTE PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
BASED ON FAILURE TO RECEIVE OFFICE ACTION UNDER 37 CFR § 1.181(a)  
OR, IN THE ALTERNATIVE, PETITION TO REVIVE ABANDONED  
APPLICATION UNDER 37 CFR § 1.137(b)**

BOX DAC  
Assistant Commissioner for Patents  
Washington, D.C. 20231

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As provided in MPEP § 711.03(c), the undersigned attorney as Representative for the Applicant believes that the above-identified application was improperly abandoned by the Office, and hereby petitions for withdrawal of abandonment based on the following facts and information:

1. An Office Action dated June 16, 2000, was received via fax by Applicant's Representative on January 23, 2001. A Notice of Abandonment dated March 27, 2001, was received by Applicant's Representative on April 2, 2001. The 6-month statutory period for response to the Office Action expired on December 16, 2000.

2. Upon information and belief, Applicant's Representative did not receive the Office Action dated June 16, 2000, prior to December 16, 2000, which was the end of the statutory period for response.

3. Applicant's Representative has made a search of the file jacket and docket records of the above-identified application. The search of both the file jacket and the docket records indicates that the Office Action dated June 16, 2000, was not received prior to December 16, 2000. A copy of the docket record for the three months subsequent to June 16, 2000, is attached hereto as an Exhibit entitled "Office Actions Received 6/16/2000- 9/16/2000."

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4. The attached Exhibit entitled "Office Actions Received 6/16/2000-9/16/2000" is the record or report where the nonreceived Office communication would have been entered had it been received.

5. No fee is believed due for this petition, but if a fee is required, it may be charged to Deposit Account No. 19-0743.

6. Although Applicant's Representative believes this Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action under 37 CFR § 1.181(a) to be correct and appropriate, he also states that any error inadvertently made by him which resulted in abandonment of this application was unintentional. In the event it is deemed that a Petition to Revive Abandoned Application under 37 CFR § 1.137(b) is required to revive this application, such petition is hereby made, and any fees required may be charged to Deposit Account No. 19-0743.

7. This petition is also accompanied by a response to the Office Action dated June 16, 2000.

Respectfully submitted,

DAVID R. TUSHIE ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6901

Date

9/20/2001

By

Owen J. Gamon  
Owen J. Gamon  
Reg. No. 36,143

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 20th day of September, 2001.

Candis B. Buending

Name

Candis Buending  
Signature



OFFICE ACTIONS RECEIVED 6/16/2000 - 9/16/2000

Serial #	Date Received	Serial #	Date Received
1. 09/164802	06/16/2000	49. 08/676708	06/26/2000
2. 09/344843	06/19/2000	50. 09/071283	06/26/2000
3. 09/511471	06/19/2000	51. 09/071283	06/26/2000
4. 09/493452	06/19/2000	52. 09/503836	06/28/2000
5. 08/977800	06/19/2000	53. 08/916994	06/28/2000
6. 09/125928	06/19/2000	54. 09/257899	06/29/2000
7. 09/376810	06/20/2000	55. 09/190352	06/29/2000
8. 09/225816	06/20/2000	56. 08/659742	06/29/2000
9. 09/163507	06/20/2000	57. 08/884791	06/29/2000
10. 09/404610	06/20/2000	58. 09/134713	06/29/2000
11. 09/140978	06/20/2000	59. 08/884963	06/29/2000
12. 09/513938	06/20/2000	60. 09/252022	06/29/2000
13. 09/119421	06/20/2000	61. 09/261595	06/29/2000
14. 08/972403	06/21/2000	62. 09/466265	06/29/2000
15. 09/136060	06/21/2000	63. 09/336030	06/29/2000
16. 08/719811	06/22/2000	64. 09/350601	06/29/2000
17. 08/902812	06/22/2000	65. 09/002733	07/05/2000
18. 08/994098	06/22/2000	66. 09/103844	07/05/2000
19. 09/461469	06/22/2000	67. 09/377254	07/05/2000
20. 08/855245	06/23/2000	68. 09/441699	07/05/2000
21. 09/251035	06/23/2000	69. 09/354484	07/05/2000
22. 09/410648	06/23/2000	70. 09/105537	07/05/2000
23. 09/515804	06/23/2000	71. 09/130781	07/05/2000
24. 09/160202	06/26/2000	72. 09/083447	07/06/2000
25. 09/046218	06/26/2000	73. 09/155125	07/06/2000
26. 08/819579	06/26/2000	74. 09/499250	07/10/2000
27. 09/069668	06/26/2000	75. 09/311033	07/10/2000
28. 09/477691	06/26/2000	76. 08/971320	07/10/2000
29. 09/257756	06/26/2000	77. 29/111593	07/10/2000
30. 09/256123	06/26/2000	78. 09/388561	07/10/2000
31. 09/320421	06/26/2000	79. 09/275900	07/10/2000
32. 09/147971	06/26/2000	80. 09/157884	07/10/2000
33. 09/495767	06/26/2000	81. 09/018869	07/10/2000
34. 09/351884	06/26/2000	82. 09/347959	07/10/2000
35. 09/347841	06/26/2000	83. 09/374944	07/10/2000
36. 09/191751	06/26/2000	84. 09/145012	07/10/2000
37. 09/224003	06/26/2000	85. 09/219809	07/10/2000
38. 09/002761	06/26/2000	86. 09/518073	07/10/2000
39. 09/333999	06/26/2000	87. 09/031159	07/10/2000
40. 08/897217	06/26/2000	88. 09/137896	07/11/2000
41. 09/018878	06/26/2000	89. 09/256643	07/11/2000
42. 09/193681	06/26/2000	90. 09/118537	07/11/2000
43. 09/255077	06/26/2000	91. 09/145723	07/11/2000
44. 09/258739	06/26/2000	92. 07/922996	07/11/2000
45. 08/695925	06/26/2000	93. 29/111589	07/11/2000
46. 09/247004	06/26/2000	94. 29/111591	07/11/2000
47. 09/471983	06/26/2000	95. 09/115925	07/11/2000
48. 09/092106	06/26/2000	96. 29/111595	07/11/2000

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**OFFICE ACTIONS RECEIVED 6/16/2000 - 9/16/2000**

<u>Serial #</u>	<u>Date Received</u>	<u>Serial #</u>	<u>Date Received</u>
97. 09/140702	07/11/2000	145. 09/135917	07/24/2000
98. 09/340417	07/13/2000	146. 09/128859	07/24/2000
99. 09/363477	07/13/2000	147. 09/131993	07/24/2000
100. 09/140498	07/13/2000	148. 09/320769	07/24/2000
101. 09/222604	07/13/2000	149. 09/225785	07/25/2000
102. 08/675139	07/13/2000	150. 09/073656	07/26/2000
103. 09/123723	07/13/2000	151. 09/073655	07/26/2000
104. 09/209017	07/14/2000	152. 09/241696	07/27/2000
105. 08/818805	07/17/2000	153. 09/212516	07/27/2000
106. 09/052631	07/17/2000	154. 08/795545	07/27/2000
107. 09/272424	07/17/2000	155. 09/120051	07/28/2000
108. 09/237415	07/17/2000	156. 09/322728	07/28/2000
109. 09/204531	07/17/2000	157. 09/259493	07/28/2000
110. 09/504655	07/17/2000	158. 09/329869	07/28/2000
111. 08/904057	07/17/2000	159. 09/410143	07/31/2000
112. 08/902811	07/17/2000	160. 09/189276	07/31/2000
113. 09/099570	07/17/2000	161. 08/999292	07/31/2000
114. 09/333387	07/17/2000	162. 09/560498	07/31/2000
115. 08/522336	07/17/2000	163. 09/488144	07/31/2000
116. 09/237747	07/17/2000	164. 09/247680	07/31/2000
117. 09/281851	07/18/2000	165. 09/107026	07/31/2000
118. 09/413959	07/19/2000	166. 09/408769	07/31/2000
119. 09/307459	07/20/2000	167. 09/339072	07/31/2000
120. 09/223446	07/20/2000	168. 09/144290	07/31/2000
121. 09/148591	07/20/2000	169. 09/354611	07/31/2000
122. 08/931565	07/21/2000	170. 08/846893	08/03/2000
123. 09/511520	07/21/2000	171. 09/223087	08/03/2000
124. 09/255962	07/21/2000	172. 09/439226	08/04/2000
125. 09/235106	07/21/2000	173. 09/025302	08/04/2000
126. 09/470291	07/21/2000	174. 09/131031	08/04/2000
127. 09/191808	07/24/2000	175. 09/386181	08/04/2000
128. 08/992974	07/24/2000	176. 09/031526	08/07/2000
129. 08/809851	07/24/2000	177. 08/941963	08/07/2000
130. 09/132157	07/24/2000	178. 09/052484	08/07/2000
131. 08/909345	07/24/2000	179. 09/261597	08/07/2000
132. 09/031637	07/24/2000	180. 09/379532	08/07/2000
133. 09/087539	07/24/2000	181. 09/334016	08/07/2000
134. 09/487838	07/24/2000	182. 09/311071	08/07/2000
135. 09/369120	07/24/2000	183. 09/084527	08/07/2000
136. 09/510023	07/24/2000	184. 08/902687	08/07/2000
137. 09/144202	07/24/2000	185. 09/300099	08/07/2000
138. 09/157881	07/24/2000	186. 09/121020	08/07/2000
139. 09/447321	07/24/2000	187. 09/157469	08/07/2000
140. 09/167250	07/24/2000	188. 09/237579	08/07/2000
141. 09/217762	07/24/2000	189. 09/216780	08/07/2000
142. 09/223853	07/24/2000	190. 09/258363	08/07/2000
143. 09/017988	07/24/2000	191. 09/343902	08/07/2000
144. 09/217401	07/24/2000	192. 09/531612	08/07/2000

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<u>Serial #</u>	<u>Date Received</u>	<u>Serial #</u>	<u>Date Received</u>
193.	09/229229	241.	09/224420
194.	09/361009	242.	09/306606
195.	09/001798	243.	09/199748
196.	09/004788	244.	09/014797
197.	09/152416	245.	09/369529
198.	08/844179	246.	09/221453
199.	09/121288	247.	09/249128
200.	09/039728	248.	09/422433
201.	09/211118	249.	09/382442
202.	09/473468	250.	09/267098
203.	09/188400	251.	08/899467
204.	09/150983	252.	09/210055
205.	09/240451	253.	09/060047
206.	09/259790	254.	09/246920
207.	09/184417	255.	09/223074
208.	09/183837	256.	09/211056
209.	09/082642	257.	09/185496
210.	09/206072	258.	09/201246
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212.	09/096877	260.	09/392909
213.	09/094752	261.	09/044215
214.	09/427994	262.	09/169383
215.	09/024055	263.	09/032100
216.	08/807096	264.	09/211942
217.	09/370493	265.	09/461469
218.	09/222519	266.	09/078949
219.	09/384165	267.	09/005815
220.	09/370831	268.	08/967481
221.	08/918126	269.	09/376875
222.	09/350717	270.	09/028727
223.	09/348421	271.	09/135394
224.	09/478873	272.	09/259762
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226.	09/207535	274.	09/184225
227.	09/115843	275.	09/145595
228.	08/724359	276.	09/063692
229.	08/743232	277.	08/828199
230.	09/358737	278.	08/636069
231.	08/950481	279.	09/193387
232.	09/504032	280.	09/221229
233.	09/314234	281.	09/204592
234.	09/480905	282.	09/157639
235.	09/167288	283.	09/224941
236.	09/002987	284.	09/316515
237.	09/395953	285.	09/493849
238.	09/096749	286.	09/410938
239.	09/139583	287.	09/517028
240.	09/412487	288.	09/314061

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	<u>Serial #</u>	<u>Date Received</u>
289.	09/209304	09/05/2000
290.	09/536309	09/05/2000
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295.	09/100792	09/05/2000
296.	09/461860	09/05/2000
297.	09/223847	09/05/2000
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299.	08/896484	09/05/2000
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305.	09/435588	09/05/2000
306.	09/471708	09/05/2000
307.	09/157207	09/05/2000
308.	09/157883	09/05/2000
309.	09/209304	09/05/2000
310.	08/945666	09/08/2000
311.	09/366058	09/08/2000
312.	09/136169	09/11/2000
313.	09/400736	09/11/2000
314.	09/525343	09/11/2000
315.	09/137404	09/11/2000
316.	09/514718	09/12/2000
317.	08/928391	09/12/2000
318.	09/142348	09/12/2000
319.	08/940619	09/14/2000
320.	09/516532	09/14/2000
321.	09/366401	09/14/2000
322.	09/385194	09/14/2000
323.	09/365419	09/14/2000
324.	09/516550	09/14/2000
325.	08/884767	09/15/2000